

ANDREW ELLIOTT WILKINSON,
Plaintiff,
v.
WELLS FARGO ADVISORS;
ANGIE OSTENDARP; MIKE QUIMBY;
ANDY TULLIS (Deceased);
Defendants.

immune from such relief. See 28 U.S.C. § 1915(e)(2)(B)(i),(ii), and (iii); see also Michau v. Charleston County, S.C., et al., 434 F.3d 725, 728 (4th Cir.) (noting § 1915(e) “governs IFP filings in addition to complaints filed by prisoners . . .”), cert. denied, 548 U.S. 910 (2006).

In order to “state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law.” West v. Atkins, 487 U.S. 42, 48, (1988) (internal citations omitted). Plaintiff has utterly failed to demonstrate that any of the defendants are state actors. In addition, Plaintiff’s generic recitation of other federal and state law claims fails to alert this Court to any potential claim for relief. Moreover, Plaintiff claims that he was awarded over \$70,000 in his arbitration proceeding; yet in his affidavit to proceed in forma pauperis he lists no income or other form of monetary flow over the last twelve months notwithstanding the fact that his arbitration victory occurred in August 2016.

Based on the foregoing, the Court finds that Plaintiff’s complaint should be dismissed.


IT IS, THEREFORE, ORDERED that:

1. Plaintiff’s motion to proceed *in forma pauperis* is **DENIED**. (Doc. No. 2).
2. Plaintiff’s pro se motion to amend his complaint is **DENIED** as futile. (Doc. No. 10).
3. Defendants’ motion to dismiss the complaint is **GRANTED**. (Doc. No. 5).

The Clerk is respectfully directed to close this civil case.

SO ORDERED.

Signed: February 15, 2017


Robert J. Conrad, Jr.
United States District Judge

